

Zachary Nightingale (California Bar #184501)
Marc Van Der Hout (California Bar # 80778)
Van Der Hout, Brigagliano & Nightingale, LLP
180 Sutter Street, Fifth Floor
San Francisco, California 94104
Telephone: (415) 981-3000
Facsimile: (415) 981-3003

Attorneys for Petitioner
Hassan KANGARLOO

KEVIN V. RYAN, CSBN 118321
United States Attorney
JOANN M. SWANSON, CSBN 88143
Assistant United States Attorney
Chief, Civil Division
ILA C. DEISS, NY SBN 3052909
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7124
FAX: (415) 436-7169

Attorneys for Respondents

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO

Hassan KANGARLOO

Petitioner,

v.

David STILL, in his Official Capacity, District
Director, U.S. Department of Homeland Security, U.S.
Citizenship and Immigration Services, San Francisco,
California;

Michael CHERTOFF, in his Official Capacity,
Secretary, U.S. Department of Homeland Security;

Alberto R. GONZALES, in his Official Capacity,
Attorney General, U.S. Department of Justice

Respondents.

Case No. C06-2462 MHP

USCIS No.: A 38-251-716

**FOURTH JOINT CASE
MANAGEMENT STATEMENT
AND ~~[PROPOSED]~~ ORDER**

1 Pursuant to Federal Rule of Civil Procedure 16 and Local Rule 16-2(d), Petitioner and
2 Respondent hereby submit a Fourth Joint Case Management Statement and respectfully request
3 that the Court modify the trial date and pre-trial schedule in this case (as laid out in the parties'
4 Third Joint Case Management Statement and [Proposed] Order, filed November 13, 2006).
5 Specifically, after conferring with each other, the parties request that the Court re-set the
6 December 8, 2006 hearing as a case management/pre-trial conference (or set such conference to
7 take place on December 11, 2006), and set another date for the hearing either on January 5, 2007,
8 or as soon as possible after that date. Also, as set out below, the parties also stipulate to a new
9 schedule for briefing on the legal issues of this case and intend to file a new discovery and pre-
10 trial schedule at the next pre-trial conference.

11 On November 22 2006, Respondent, United States & Citizenship Services, issued a
12 Recommendation on Application for Naturalization, in which it found Petitioner ineligible for
13 naturalization. The Recommendation is attached to this Statement as Exhibit A. That
14 recommendation includes reference to both factual and legal issues. The legal issues referenced
15 in that recommendation had not previously been raised in this case. The parties believe that the
16 Court would benefit from legal briefing from both sides addressing these issues before the
17 evidentiary hearing. Thus, Respondent's Recommendation changes the issues in dispute in this
18 case and warrants additional pre-trial submissions.

19 Therefore, under Federal Rule of Civil Procedure 16 and Local Rule 16-2(d), the parties
20 respectfully request that the Court modify the discovery and trial schedule for this case. First,
21 they request that the Court reset the trial date of December 8, 2006 as a pre-trial conference.
22 Alternatively, they request that the Court set a new date for a pre-trial conference on December
23 11, 2006. They also request that the Court set a new trial date of January 5, 2007, or at the
24 Court's next available date after January 5, 2007. See Local Rule 16-10(c).

25 Second, they stipulate to the following schedule to submit briefs on points of law:
26 Petitioner will submit a brief on or by December 4, 2006; Respondents will submit a response
27 brief on or by December 11, 2006; and Petitioner will submit a reply brief on or by December 18,
28 2006.

The parties intend to proceed with discovery in the form of depositions to take place the week of November 27, 2006. They stipulate that they may continue discovery until the new case management statement is filed, and the previously determined discovery and trial deadlines contained in the Third Joint Case Management Statement no longer apply.

Dated: November 28, 2006

_____/s/_____
ILA C. DEISS
Attorney for Respondents

Dated: November 28, 2006

_____/s/_____
Zachary Nightingale
Attorney for Petitioner

CASE MANAGEMENT ORDER

The court finds that each party was represented by lead trial counsel responsible for trial of this matter and was given an opportunity to be heard as to all matters encompassed by this Case Management Statement and Proposed Order filed prior to this conference. The court adopts this statement as modified and enters of this court pursuant to Civ. L. R. 16-10(b).

The next case management conference shall take place at Jan. 5, 2007 at 10:30 a.m. _____.

The foregoing joint Case Management Order in this action in accordance with Civ. L. R. 16 and other applicable Local Rules, and shall govern all further proceedings in this action.

IT IS SO ORDERED.

Dated: Nov. 30, 2006



ILYN HALL PATEL
States District Judge